

REMARKS

Claims 1-18 are pending. Claims 1-18 stand rejected.

Claims 1-2, 4-6, 9-18 have been amended herein to remove reference numerals from the claims.

Claim Objections

With regard to having reference designators listed in the claims, it is respectfully submitted that there is nothing in 37 CFR 1.75(c) which renders this improper.

Claim 13 has been amended to depend from claim 12.

It is respectfully requested the objections be withdrawn.

Claim Rejections

According to the Office Action, claims 1, 3-12, 14-16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kato (U.S. Patent 6,453,233). Further in the Office Action, claims 2, 13, and 17 were rejected under 35 USC 103(a) as being unpatentable over Kato in view of Walsh et al. (U.S. Patent 6,965,770, hereinafter Walsh).

In accordance with the established cases and statutory law, to anticipate a claim a reference must teach each and every feature. It is respectfully submitted Kato fails to teach each and every feature recited in claims 1, 3-12, 14-16, and 18 as required to anticipate a claim, therefore, the rejection should be withdrawn.

Applicant's claim 1 recites: "comparing the update information with information provided on the disk."

The Office Action points to Kato, for example, Figures 1-3, col. 4, lines 6-64, col. 5, lines 10-41, lines 66-67, col. 6, lines 1-6, lines 52-55, col. 10, lines 34-37 to show these features. In addition, it is asserted in the Office Action that: "the received updated information is being compared and verified with respect to disk stored information."

However, a review of Kato finds no teaching of applicant's claimed features and further no such statement or teachings that "the received updated information is being compared and verified with respect to disk stored information."

As described in Kato, for example col. 4, line 57 to col. 5, line 65 the controller in the navigation apparatus sends a signal to the center 1. The center 1 judges whether to update the navigation apparatus based on version information received from the navigation apparatus. If updating, the center 1 transmits the update information to the navigation apparatus together with information as to whether the update is new information, changed content and/or content should be deleted. The center 1 tells the controller in the navigation apparatus the address of where the updates/deletions should take place. The controller in the navigation apparatus receives the information and either adds the information as new, changes and/or deletes information based on the instructions and address information received from the center 1

Nowhere is there any suggestion of applicant's claimed feature: "comparing the update information with information provided on the disk." In Kato the controller in the navigation apparatus simply receives the information and either adds, changes and/or deletes information.

Furthermore, applicant could find no reference in Kato which indicates "the received updated information is being compared and verified with respect to disk stored information" as asserted in the Office Action.

Because Kato fails to teach or suggest each and every feature recited in independent claim 1, it is respectfully requested the rejection be withdrawn.

Independent claims 12, 16 and 18 each recite a similar feature as mentioned above with regard to claim 1, which is likewise not found in Kato. Because Kato fails to teach or suggest each and every feature recited in independent claims 12, 16 and 18, it is respectfully requested their rejection be withdrawn.

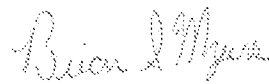
Claims 3-11 depend from claim 1 and include all the limitations of claim 1, plus additional distinguishing features. Claims 14-15 depend from claim 12 and include all the limitations of claim 12, plus additional distinguishing features. Therefore, claims 3-11 and 14-15 cannot be anticipated by Kato and the rejections should be withdrawn.

With regard to the obviousness rejection of claims 3, 13 and 17, Walsh is cited as teaching accepting the cost. However, Walsh fails to cure the defects of Kato as pointed out above with regard to each of the independent claims. Thus, the combination of references cannot render obvious these dependent claims.

Conclusion

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. If there are any questions, the Examiner is respectfully requested to call the undersigned attorney at the number listed below. While it is believed no fee is due beyond the three month extension fee, please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,



By: Brian S. Myers
Registration No.: 46,947
For: Larry Liberchuk,
Registration No.: 40,352

Mail all correspondence to:

Larry Liberchuk, Registration No. 40,352
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914)333-9602
Fax: (914)332-0615